THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.91 of 2007

Dated:3-1- 2007

Between:

V.Raju.

…..PETITIONER

AND

The Depot Manager,
A.P.S.R.T.C, Gajuwaka Bus Depot,
Visakhapatnam District, A.P
and another.

….RESPONDENTS

**THE HONOURABLE SRI JUSTICE N.V.RAMANA**

**W.P.No.91 of 2007**

**ORDER:**

This writ petition is filed assailing the proceedings of the 1st respondent-Depot Manager, A.P.S.R.T.C, Gajuwaka Bus Depot, Visakhapatnam District, in proceedings No.01/118 (2)/92-GWK, dated 05-10-1994 by which the petitioner who is a Conductor was imposed a major punishment of deferment of annual increment for a period of one year with cumulative effect, without conducting any enquiry.

The operative portion of the impugned order of the respondent reads thus:

> *"I, therefore, hereby order that your annual increment next falls due be deferred for a period of one year with cumulative effect."*

It is the case of the petitioner that he is working as Conductor at 1st respondent-Depot and the 1st respondent issued a charge-sheet dated 31-10-1992 on the allegation of dereliction of duty, for which the petitioner submitted explanation. It is the further case of the petitioner that proceedings of the 1st respondent-Depot Manager, A.P.S.R.T.C, Gajuwaka Bus Depot, Visakhapatnam District, in proceedings No.01/118 (2)/92-GWK, dated 05-10-1994 imposing punishment of deferment of annual increment with cumulative effect is a major punishment and cannot be imposed without conducting departmental enquiry and such imposition is contrary to law and contrary to the Judgment of the Supreme court in ***Kulwanth Singh Gill v. State of Punjab*** [1], and due to such major punishment the petitioner is facing

much financial problems as he is drawing less salary.

Heard the learned counsel for the petitioner and perused the impugned order as well as the Judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005.

Admittedly, the respondent without conducting departmental enquiry imposed the penalty of stoppage of annual increment for a period of one year, with cumulative effect on the basis of the charges leveled against the petitioner which is a major penalty as is held by this Court in a similar matter in W.P.No.23114 of 2005, dated 27-10-2005 following the Judgment of the Supreme Court in ***Kulwanth Singh Gill v. State of Punjab.*** The operative portion of the judgment in W.P.No.23114 of 2005, dated
27-10-2005 reads thus:

> *"In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the respondent to pass fresh orders. To avoid further delay and complication in the matter, this court is of the view that the impugned order can be treated, as the one for stoppage of annual increment, without cumulative effect.*
>
> *Hence, the writ petition is partly allowed, directing that the order dated 16-11-1993, passed by the respondent, shall be treated as the one for stoppage of annual increment, for a period of six months, without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. There shall be no order as to costs."*

In the above view of the matter, this writ petition is disposed of in terms of the judgment of this Court in W.P.No.23114 of 2005, dated 27-10-2005 directing the respondents as under.

The respondent is directed to treat the impugned order in proceedings No.01/118 (2)/92-GWK, dated 05-10-1994 as the one for stoppage of annual increment, for a period of one year without cumulative effect, and that the petitioner shall not be entitled for any monetary benefits up to the date of this order. No costs.

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**(N.V. RAMANA, J.)**

**Date:03-01-2007.**
GRK

THE HONOURABLE SRI JUSTICE N.V.RAMANA

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[1] 1990 (1) LLJ 635